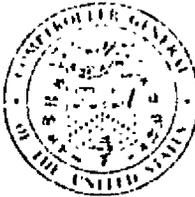


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Seigler-Stem  
PLCC

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

9208

FILE: B-193649

DATE: February 16, 1979

MATTER OF: Specialty Tools, Inc.

**DIGEST:**

Where contracting officer has determined small business bidder to be nonresponsible and has referred matter to Small Business Administration (SBA) for possible issuance of Certificate of Competency (COC), GAO will not consider protest of contracting officer's determination since SBA has statutory authority to conclusively determine responsibility of small business bidder.

Speciality Tools, Inc. (S.T.I.), a small business concern, protests any award of a contract to another firm under invitation for bids (IFB) No. 9PR-W-845-78/KF, issued by the General Services Administration (GSA). S.T.I. contends that it is the low responsive bidder and that the contracting officer improperly determined it to be nonresponsible on the basis of an incomplete plant facilities report.

The final determination as to whether a small business bidder is responsible for a particular procurement is made by the Small Business Administration (SBA) under its Certificate of Competency (COC) program. See 15 U.S.C. 637(b)(7) (1976), as amended by Pub. L. 95-89, 91 Stat. 553. The documents forwarded by the protester indicate that the contracting officer has referred the matter to SBA; under SBA's procedures, S.T.I. is given an opportunity to establish its entitlement to a COC. See 13 C.F.R. 124.8-16 (1976). This Office has no authority to review SBA's determination, to require issuance of a COC, or to reopen a case when a COC has been denied. See, e.g., Precision Electronics Labs, B-186751, October 29, 1976, 76-2 CPD 369. Accordingly, our consideration of S.T.I.'s protest would serve no useful purpose.

The protest is dismissed.

*Milton J. Socolar*  
Milton J. Socolar  
General Counsel